

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2007
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	February 25, 2003
DATE OF REPORT:	March 24, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 1, 2003

COMPLAINT ISSUES:

Whether the South Bend Community Schools violated:

511 IAC 7-25-4 by failing to conduct an initial educational evaluation within 60 instructional days of the date the written parental consent is received by certified personnel.

FINDINGS OF FACT:

1. The Student is ten years old and attends a local private school. The Student's parent has requested a multidisciplinary team evaluation to determine if special education services are appropriate.
2. A multidisciplinary team evaluation was requested on September 7, 2000 and discontinued by the parent on October 24, 2000. In February 2001, consent was given to a new evaluation; the Student was evaluated on March 6, 2001, and a case conference committee ("CCC") meeting was convened on April 17, 2001. The determination was made by the team at that time that the Student was not eligible for special education services. A new request was made for an evaluation on September 9, 2002. According to the supervisor of psychological services, several attempts were made to contact the parent by telephone from December 2, 2002 through February 13, 2003, as there was confusion about why the requested evaluation appeared to address the same eligibility question as the prior evaluation. The parent called back at times when the school psychologist said to call, but the school psychologist was in meetings at those times. A part-time psychologist agreed to work an extra day to complete the evaluation just before notice of the complaint arrived, and the Student was evaluated on February 28, 2003. A CCC meeting has been scheduled for March 26, 2003, to discuss the results of the evaluation.

CONCLUSION:

1. Finding of Fact #2 indicates that the School failed to conduct an initial educational evaluation within 60 days of the receipt of the written parental consent. Therefore, a violation of 511 IAC 7-25-4 has occurred.

The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusion listed above.

CORRECTIVE ACTION:

South Bend Community Schools shall:

1. convene the CCC to determine whether and to what extent compensatory services shall be provided, if the Student is determined eligible for special education.
A copy of the CCC meeting report shall be submitted to the Division no later than April 2, 2003. If compensatory services are warranted, they will be detailed in the report.
2. send a written memorandum to psychological services staff, special education personnel, and school administrators about procedures to be followed according to 511 IAC 7-25-4, to ensure that initial educational evaluations occur within 60 days of the receipt of written parental consent.
A copy of this memorandum and a list of all personnel who receive it shall be submitted to the Division no later than April 11, 2003.